

**IDAHO BARBER AND COSMETOLOGY SERVICES LICENSING BOARD**  
**Bureau of Occupational Licenses**  
700 West State Street, P.O. Box 83720  
Boise, ID 83720-0063

**Board Meeting Minutes of 2/4/2019**

**BOARD MEMBERS PRESENT:** Debra J Thompson - Chair  
Merrilyn Cleland  
Geneal Thompson  
Thomas E Grimsman  
K Ryan Nave  
Wendy S Rucker  
Lindy High

**BUREAU STAFF:** Kelley Packer, Bureau Chief  
Dawn Hall, Deputy Bureau Chief  
Julie Eavenson, Administrative Support Manager  
Lori Peel, Investigative Unit Manager  
Eric Nelson, Board Prosecutor  
Maurie Ellsworth, General Counsel  
Rob McQuade, Legal Counsel  
Allegra Earl, Technical Records Specialist I

**OTHERS PRESENT:** Rick Evans, Kris Ellis, Barbra De Hann,  
Ingrid Crane, Emily Dring, Parisa Gorji,  
La Donn Goodfellow, Ty Walker,  
Echo Lundeberg, Margarita  
Castellano, Vicki Ellis, Karen Judd,  
Rhonda Clark

The meeting was called to order at 8:30 AM MST by Debra J Thompson.

**INTRODUCTIONS**

Ms. Packer and Mr. McQuade introduced themselves to the Board.

**APPROVAL OF MINUTES**

Ms. Cleland made a motion to approve the minutes of 11/05/2018. It was seconded by Ms. Rucker. Motion carried.

Ms. G Thompson made a motion to approve the minutes of 12/03/2018 with corrections. It was seconded by Ms. High. Motion carried.

**EXECUTIVE SESSION**

Ms. Cleland made a motion that the Board go into executive session to discuss pending litigation with counsel per Idaho Code § 67-2345 (1)(f). The purpose of the executive session was to discuss the oral argument for cases BCB-2016-98 & BCB-2016-154. It was seconded by Ms. Rucker. The vote was: Ms. D Thompson, aye; Mr. Grimsman, aye; Ms. Cleland, aye; Ms. G Thompson, aye; Mr. Nave, aye; Ms. High, aye; and Ms. Rucker, aye. Motion carried.

Ms. Cleland made a motion to come out of executive session. It was seconded by Ms. Rucker. The vote was: Ms. D Thompson, aye; Mr. Grimsman, aye; Ms. Cleland, aye; Ms. G Thompson, aye; Mr. Nave, aye; Ms. High, aye; and Ms. Rucker, aye. Motion carried.

## **DISCIPLINE – ORAL ARUGMENT**

The Board heard oral arguments in cases BCB-2016-98 & BCB-2016-154.

## **LEGISLATIVE REPORT**

Ms. Packer gave the legislative report. She updated the Board on current legislation. She said that the Board's proposed rules had been heard in House Business Committee and had passed. Then it was heard in the Senate Commerce and Human Resources Committee, were these sections of the Safety and Disinfection Rules for Shop and Schools were removed:

**05. Towels.** Clean towels shall be used for each patron. Towels and linens that have been used must be placed in a container that is covered and has vented sides to reduce the growth of pathogens, and the container must be disinfected on a weekly basis with a disinfectant and as directed on the disinfectant manufacturer's label. Towels and linens may be laundered commercially or washed on-site. When done on-site, laundry must be dried until hot to the touch. A clean paper or cloth neckband shall be used to provide a barrier to infection which shall be maintained between each patron's neck and all multi-use capes. Paper towels and paper neckstrips shall be disposed of after one (1) use.

**06. Storage of Equipment.** All towels, linens, and instruments, except for electrical instruments, shall be stored in clean, closed cabinets, drawers, or containers after they are cleaned and disinfected. All electrical instruments must be stored in a clean place, such as a hook, stand, or on a clean towel after they are cleaned and disinfected and may not be stored in cabinets, drawers, or containers that contain clean or disinfected items. All items that have been used must be kept in a closed, covered container with solid sides that is clearly identified as containing used items. Containers for used items must be disinfected on a daily basis.

**07. Dispensers.** All solutions and compounds shall be clearly labeled, maintained, and dispensed in a manner to prevent contamination of the unused portion. All single-use applicators used to dispense a solution or compound shall be disposed of in a waste container after one (1) use.

## **INTERIM COMMITTEE: OCCUPATIONAL LICENSING AND CERTIFICATION LAWS COMMITTEE**

Ms. Eavenson updated the Board on the Interim Committee's current status, the November meeting of the National Consortium on Occupational Licensing in Florida,

and the Licensing Freedom Act Working Group.

## **TRAVEL POLICIES**

Ms. Eavenson updated the Board regarding travel policies.

## **FINANCIAL REPORT**

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$658,079.98 as of 12/31/2018.

## **DISCIPLINE**

Mr. Nelson presented a memorandum regarding case numbers BCB-2019-77, and BCB-2019-80. After discussion, the Board gave recommendations for appropriate discipline.

Mr. Nelson presented Stipulation and Consent Orders in case numbers: BCB-2018-244/245, BCB-2018-259/260, BCB-2018-266, BCB-2019-30/31, BCB-2019-51/52, and BCB-2019-53. Mr. Grimsman made a motion to approve the Consent Orders and allow the Board Chair to sign on behalf of the Board. It was seconded by Ms. Cleland. Motion carried.

## **INVESTIGATIVE REPORT**

Ms. Peel gave the investigative report, which is linked above.

## **MEMORANDUM**

Ms. Peel presented a memorandum regarding case numbers BCB-2019-107/108. After discussion, the Board gave recommendations for appropriate discipline.

## **FOR BOARD DETERMINATION**

Ms. Rucker made a motion to approve the Bureau's recommendation and authorize closure in the following cases: I-BCB-2018-205/206, I-BCB-2018-255, I-BCB-2018-315, I-BCB-2018-325, I-BCB-2018-327/328 and I-BCB-2019-29. It was seconded by Mr. Grimsman. Motion carried.

Mr. Grimsman made a motion to approve the Bureau's recommendation and authorize closure in the following cases with a warning letter: I-BCB-2018-314, I-BCB-2019-4, I-BCB-2019-13, I-BCB-2019-18, I-BCB-2019-68, I-BCB-2019-69, and I-BCB-2019-90/127. It was seconded by Ms. Cleland. Motion carried.

## **DISCIPLINARY ACTION**

Ms. Peel presented Settlement Orders in cases: BCB-2019-26/27, BCB-2019-47/48, BCB-2019-54/55, BCB-2019-56/57, BCB-2019-58/59, BCB-2019-12/13, BCB-2019-62, BCB-2019-64/65, BCB-2019-66, BCB-2019-67/68, BCB-2019-73, BCB-2019-74, BCB-2019-84, BCB-2019-85/86, BCB-2019-87/88, BCB-2019-89, BCB-2019-90/91,

BCB-2019-95/96, BCB-2019-99/100, BCB-2019-105/106, and BCB-2019-109/110. Ms. G Thompson made motion to accept the Settlement Orders and to authorize the Board Chair to sign on behalf of the Board. It was seconded by Mr. Nave. Motion carried.

## **PUBLIC COMMENT**

Ms. P Gorji addressed the Board regarding the examinations being only given in English and the struggle she was having in passing the written exam. No action was taken.

## **OLD BUSINESS**

## **PROPOSED LEGISLATION**

Ms. Ellis, Idaho Health Care Association, presented a proposed exemption expanding Idaho Code §54-5805 (1). It would allow certain individuals to perform personal care or hygiene services for those residing in a hospital, skilled nursing facility or residential care facility, without having to hold a cosmetology or barber license. The Board took no action.

## **EXECUTIVE SESSION**

Ms. Cleland made a motion that the Board go into executive session to discuss pending litigation with counsel per Idaho Code § 67-2345 (1)(f). The purpose of the executive session was to discuss the oral argument for cases BCB-2016-98 & BCB-2016-154. It was seconded by Mr. Nave. The vote was: Ms. D Thompson, aye; Mr. Grimsman, aye; Ms. Cleland, aye; Ms. G Thompson, aye; Mr. Nave, aye; Ms. High, aye; and Ms. Rucker, aye. Motion carried.

Ms. Cleland made a motion to come out of executive session. It was seconded by Mr. Nave. The vote was: Ms. D Thompson, aye; Mr. Grimsman, aye; Ms. Cleland, aye; Ms. G Thompson, aye; Mr. Nave, aye; Ms. High, aye; and Ms. Rucker, aye. Motion carried.

## **NEW BUSINESS**

## **EXECUTIVE SESSION**

Ms. Cleland made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the executive session was to consider license application materials. It was seconded by Ms. High. The vote was: Ms. D Thompson, aye; Mr. Grimsman, aye; Ms. Cleland, aye; Ms. G Thompson, aye; Mr. Nave, aye; Ms. High, aye; and Ms. Rucker, aye. Motion carried.

Ms. Cleland made a motion to come out of executive session. It was seconded by Ms. G Thompson. The vote was: Ms. D Thompson, aye; Mr. Grimsman, aye; Ms. Cleland, aye; Ms. G Thompson, aye; Mr. Nave, aye; Ms. High, aye; and Ms. Rucker, aye. Motion carried.

## **APPLICATIONS**

Ms. Cleland made a motion to approve the applications for Nicolete Abutro, Kiasa Westover and Shannon Lindsey, and to issue licenses. It was seconded by Ms. Rucker. Motion carried.

Ms. Cleland made a motion to approve the application for Johnathan Yearsley and to issue a license. Mr. Nave recused himself from voting. It was seconded by Mr. Grimsman. Motion carried.

Ms. Cleland made a motion to approve the application for Emily Dring and to issue a license. It was seconded by Ms. Rucker. Motion carried.

Ms. Cleland made a motion to approve the application for 901163779 pending receipt of additional information. It was seconded by Mr. Grimsman. Motion carried.

Ms. Cleland made a motion to approve the application for Mary Walker and to issue a license. It was seconded by Ms. Rucker. Motion carried.

Ms. Cleland made a motion to approve the application for 901162162 pending receipt of additional information and review by the Board Chair. It was seconded by Ms. Rucker. Motion carried.

Ms. Cleland made a motion to approve the applications for Huynh Thanh and Chieu Tran and to issue licenses. It was seconded by Ms. G Thompson. Motion carried.

Ms. Cleland made a motion to approve the application for 901141831 pending receipt of additional information. It was seconded by Mr. Grimsman. Motion carried.

## **APPRENTICESHIPS**

Ms. Cleland made a motion to deny the application for Erika Rojas based on Idaho Rule 550.03 (d). It was seconded by Mr. Nave. Motion carried.

Ms. Cleland made a motion to accept the apprentice application for Thao Thi Phuong Pham. It was seconded by Mr. Nave. Motion carried.

Ms. Cleland made a motion to deny the application for Hung Nguyen based on Idaho Rule 550.03 (d). It was seconded by Mr. Grimsman. Motion carried.

## **TO DO LIST**

The Board reviewed the To Do List and no action was taken.

## **PROPOSED LEGISLATION**

The Board reviewed proposed legislation regarding a barber and barber-stylist apprenticeship program. The Board took no action.

## **DISCUSSION ON MAKEUP ARTIST TRAINING HOURS TEMPLATE**

The Board reviewed a proposed school transcript for the makeup artist certificate.

Ms. High made a motion to accept the school transcript and post to the web. It was seconded by Ms. Cleland. Motion carried.

## **REVIEW DRAFT FORMS**

Ms. Hall reviewed an update to the applications regarding the disciple question with the Board. The change would clarify the question about discipline.

Mr. Nave made a motion to approve the addition to the applications and to post to the website. It was seconded by Ms. High. Motion carried.

Ms. Rucker made a motion to approve the school bond form and to post it to the website. It was seconded by Mr. Grimsman. Motion carried.

Ms. High made a motion to approve the Out of Business Letter. It was seconded by Ms. Rucker. Motion carried.

## **DISCUSSION ON ENDORSEMENT**

Ms. Earl presented a report on those who applied through endorsement with out-of-country training. She said that in the last two years the Board has reviewed 15 applications. Of those, 10 were issued licenses without requiring additional examinations; 3 licenses were issued after passage of the NIC Theory and NIC Practical examinations; and 2 applicants are still in the process of taking their examinations. None of those who are licensed had been disciplined by the Board for violations.

After some discussion, the Board took no action.

## **DL ROOPE CONTRACT FY2020**

The Board reviewed the DL Roope contract for fiscal year 2020.

Mr. Nave made a motion to accept the DL Roope Administrations, LLC. contract for FY2020 and to authorize Ms. Packer to sign on behalf of the Board. It was seconded by Mr. Grimsman. Motion carried

## **ANNUAL NATIONAL INTERSTATE COUNCIL OF STATE BOARD OF COSMETOLOGY (NIC) REPORT**

Ms. Cleland gave a brief report regarding the NIC meeting in Seattle, Washington. Ms. Cleland reported that the NIC discussed the apprenticeship program; permanent makeup and the need for that practice to be regulated; and human trafficking and what can be done to combat the problem.

## **NIC ANNUAL CONFERENCE**

A motion was made by Ms. Cleland to have the Board approve all travel expenses for the NIC in Milwaukee, Wisconsin for any Board members and staff to attend as determined by the Board Chair. It was seconded by Mr. Grimsman. Motion carried.

## **PUBLIC COMMENT**

Members of the public had questions regarding the scope of practice of an esthetician. After some discussion, the Board took no action.

## **CORRESPONDENCE**

The Board reviewed correspondence from DL Roope Administrations regarding a change of ownership. The Board took no action.

The Board reviewed correspondence from NIC regarding a survey about a national license endorsement program. The Board took no action.

## **DELIBERATION – ORAL ARGUMENT**

The Board deliberated on BCB-2016-98 and BCB-2016-154.

Ms. Cleland made a motion to accept the hearing officer's findings. It was seconded by Mr. Grimsman. Motion carried.

Ms. High made a motion to revoke the respondent's personal and establishment licenses, and to have the respondent to pay the costs, fines and fees. It was seconded by Mr. Grimsman. Motion carried.

Mr. Grimsman made a motion to have the costs, fines and fees paid within two years. It was seconded by Ms. Cleland. Motion carried.

Ms. Rucker made a motion to have legal counsel draft the order and to authorize the Board Chair sign it on behalf of the Board. It was seconded by Ms. Cleland. Motion carried.

**NEXT MEETING** was scheduled for June 3, 2019 at 8:30 AM MDT.

## **ADJOURNMENT**

Ms. Cleland made a motion to adjourn the meeting at 3:52 PM MST. It was seconded by Mr. Grimsman. Motion carried.

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Debra J Thompson, Chair

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Merrilyn Cleland

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Geneal Thompson

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Thomas E Grimsman

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K Ryan Nave

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Wendy S Rucker

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Lindy High

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Kelley Packer, Bureau Chief